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**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO**

18 UNITED STATES OF AMERICA,)	Criminal No. 14-CR-388-MMA
)	
19 Plaintiff,)	NOTICE OF OBJECTIONS
)	
20)	
)	
21 JOSÉ SUSUMO AZANO MATSURA, et al)	
)	
22 Defendants.)	
)	

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25 PLEASE TAKE NOTICE THAT DEFENDANTS JOSÉ SUSUMO AZANO MATSURA
26 AND EDWARD SUSUMO AZANO HESTER OBJECT TO ALL EXHIBITS THE
27 GOVERNMENT HAS INDICTATED IT PLANS TO PRESENT TO THE JURY DURING ITS
28 OPENING STATEMENT:

MOTION

Defendants José Susumo Azano Matsura (“Susumo”) and Edward Susumo Azano Hester (“Susu”) (collectively, “the Azano Defendants”), through their counsel, object to presentation of all of the exhibits the government has indicated it intends to show the jury during its opening argument because (1) all consist of impermissible hearsay under Federal Rule of Evidence 802; (2) none are authenticated, as required by Rule 901 of the Federal Rules of Evidence; (3) no foundation has been laid for any of them that would, which foundation is required to allow the Defendants to consider and to evaluate whether an objection is warranted and to permit the Court to make a preliminary determination of relevance under Federal Rules of Evidence 104 and 401, as well as a preliminary determination whether the probative value of any item of evidence is or is not outweighed by potential undue prejudice or confusion, as proscribed under Federal Rule of Evidence 403; and (4) the composite exhibit included as the last item to be proffered itself includes items that are unauthenticated and that contain hearsay, including signatures that the evidence may show were placed on blank checks before they were filled out, and hearsay within hearsay, that is, the comments and arrows superimposed presumably by counsel for the government, all of which are inconsistent with the limited allowance for composite exhibits provided in Federal Rule of Evidence 1006. Provided all of the items shown on the composite exhibit are duly admitted, the composite exhibit is an item appropriate for closing argument and not opening statement.

Dated: July 25, 2016.

Respectfully submitted,

/s/ Michael J. Wynne

Michael J. Wynne*

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**admitted Pro Hac Vice*

CERTIFICATE OF CONFERENCE

I have spoken with counsel for the Government and certify that counsel for the United States is opposed to the requested relief, that is, exclusion of the proffered exhibits from its opening statement before the jury.

/s/ Michael J. Wynne

Michael J. Wynne

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2016, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ Michael J. Wynne
Michael J. Wynne

**admitted Pro Hac Vice*

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